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FILED

JAN 31 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12
13 SAN JOSE DIVISION

14
15 UNITED STATES OF AMERICA,) No. CR 10-00791-DLJ
16 Plaintiff,) STIPULATION AND [PROPOSED]
17 vs.) ORDER TO CONTINUE INITIAL
18 LEONARD RUSSELL FLEMING,) APPEARANCE AND ARRAIGNMENT
19 Defendants.)
20 _____)

21 **STIPULATION**

22 The parties, by and through their respective counsel, hereby stipulate and jointly request
23 that the defendant's initial appearance and arraignment currently set for Thursday, February 3,
24 2011, at 1:30 p.m., be continued to Tuesday, March 1, 2011, at 9:30 a.m. The Federal Public
25 Defender was appointed pre-charge to represent Mr. Fleming in this matter. The parties jointly
26 request that the Court continue the initial appearance and arraignment set in this matter because
Mr. Fleming currently resides in Lackawanna, New York, and presently cannot afford to pay to
travel to this district by February 3, 2011, and he requires additional time to arrange and pay for
his travel. Accordingly, the parties respectfully request that the Court continue the defendant's
initial appearance from February 3, 2011, at 1:30 p.m. to March 1, 2011 at 9:30 a.m.

1 Dated: January 31, 2011

2 /s/

3 HANLEY CHEW
4 Assistant United States Attorney

5 Dated: January 31, 2011

6 /s/

7 VARELL L. FULLER
8 Assistant Federal Public Defender

[PROPOSED] ORDER

9 Good cause appearing and by stipulation of the parties, it is hereby ORDERED that the
10 defendant's initial appearance and arraignment set for Thursday, February 3, 2011, at 1:30 p.m. is
11 continued to Tuesday, March 1, 2011, at 9:30 a.m. before the Honorable Howard R. Lloyd.

12 IT IS SO ORDERED.

13 Dated: January 31, 2011

14 
15 THE HON. PAUL S. GREWAL
16 United States Magistrate Judge